



## **GEMS Learning Trust**

### **LGPS Discretion Policy**

This policy was adopted on	March 2017
The policy is to be reviewed on	March 2023

## **1. Introduction**

1.1. Under the rules of the Local Government Pension Scheme (“LGPS”) the employer has the right to authorise discretion on a number of matters regarding the administration of the pension scheme.

1.2. For a number of discretions there is a statutory requirement to publicise the approach the employer will take.

1.3. The approach to exercising discretion in this policy is to allow the employer to make a reasonable decision in individual cases but also to be clear as to the factors it will take into account in making that decision.

1.4. In formulating and reviewing its policy statements the employer is required to:

Have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and,

Be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

1.5. Any complaints relating to decisions in these matters would need initially to be raised under the pension scheme’s Internal Disputes Resolution Procedure, details of which are available from the pension scheme administrator.

1.6. This policy confers no contractual rights.

1.7. The GEMS Learning Trust retains the right to change this policy at any time.

1.8. Only the policy which is current at the time a relevant event occurs to the scheme member will be the one applied to that member.

## **2. Adoption Arrangements and Date**

This procedure was adopted by the Board of Directors of The GEMS Learning Trust on 7<sup>th</sup> March 2017.

This Policy will be reviewed by the Board of Directors every 6 years or earlier if there is a need.

## **3. Power of employing authority to award additional pension**

It is not The GEMS Learning Trust’s general policy to grant additional pension to scheme members under this regulation. Any exceptional cases that were of overall benefit to the Trust would require the agreement of the HR & Finance Directors of the Trust.

**4. Power of employing authority to award additional pension - Shared cost**

It is not The GEMS Learning Trust's general policy to grant additional pension to scheme members under this regulation. Any exceptional cases that were of overall benefit to the trust would require the agreement of the HR & Finance Directors of the Trust.

**5. Flexible retirement (reducing hours or grade after reaching 55)**

It is not the policy of The GEMS Learning Trust to agree to the flexible retirement of a scheme member unless consent has been given by the HR & Finance Directors. If consent has been given under this regulation, it is not The GEMS Learning Trust's general policy to waive, in whole or part, any actuarial reduction to the scheme member's benefits. Any exceptional cases would need the consent of the HR & Finance Directors.

**6. Early Payment of Pension for member who have opted out or left before 1 April 2014**

Where a scheme member has previously been awarded a preserved benefit, it is not the policy of The GEMS Learning Trust to give consent under this regulation to the early payment of benefits.

**7. Waiving of actuarial reductions**

It is not The GEMS Learning Trust's general policy to waive the actuarial reductions. However it may consider waving the actuarial reductions in exceptional circumstances, this would need the consent of the HR & Finance Directors.

**8. Power to turn on the 85year rule to pre 1 April 2014 accrued benefits**

It is not The GEMS Learning Trust's general policy to turn this rule on for members. Any exceptional cases that were of overall benefit to the trust would require the agreement of the HR & Finance Directors of the Trust.

**Optional Discretion within the Local Government Pension Scheme:**

**9. Membership aggregation regulation**

The GEMS Learning Trust will not extend the default 12 month period for members to decide if they wish to combine their previous and new LGPS membership.

**10. Transfer of Pension Rights for new members**

The GEMS Learning Trust will not extend the default 12 month period for new members to decide if they wish to transfer previous pension rights into the LGPS.